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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,616	10/20/2003	Drew James Van Norman	87358.2160	2584

7590 01/31/2008  
BAKER & HOSTETLER LLP  
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Washington Square  
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EXAMINER
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BERTHEAUD, PETER JOHN

ART UNIT	PAPER NUMBER
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3746

MAIL DATE	DELIVERY MODE
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01/31/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/687,616

Applicant(s)

NORMAN ET AL.

Examiner

Peter J. Bertheaud

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 28-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is in response to Amendments filed 1/15/2008. It is noted that claims 1-27 have been cancelled and claims 28-35 are new.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 28-30 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veyrat 4,797,071 in view of Martin 4,127,365.

Veyrat discloses a motor and pump assembly comprising a motor drive assembly (clearly seen on left side of element 40 in Fig. 3) having a driven final output element 48 rotating about a longitudinal axis, and a housing with a first mounting face (see 41) having a circular nose (see nose which borders seal 43) projecting outwardly therefrom in the axial direction; a pump assembly (clearly seen on right side of element 40) having an input shaft 51 rotatable about the axis and co-axial with the output element 48 and mateable with the output element; an adapter body 40 detachably coupled in between the motor drive assembly and the pump assembly, the adapter body 40 having a second mounting face (see face of 40 that borders seal 43) with a circular groove adapted to receive the projecting nose in a complementary fashion, the first mounting face (41) and the second mounting face (40) being detachably mountable

flush with each other by a first set of threaded fasteners 42 with the nose received in the groove, so that the nose and the groove provide radial alignment between the first face and the second face, the adapter body 40 further comprising a third mounting face detachably mountable to the pump assembly; and a base rigidly coupled to the adapter body 40; wherein the base is detachable from at least one of the pump assembly and the adapter body 40 to permit the adapter body 40 to be detached from the pump assembly. Veyrat (Fig. 1) also discloses at least one registration pin that provides radial alignment of the adapter body 3 relative to the pump assembly 13 (see pins in between elements 3 and 13 in Fig. 1). Although not specifically disclosed, it would have been obvious that the adapter body 40 could have been detachably mountable to the pump assembly by a second set of threaded fasteners due to the fact that this coupling means was used to connect the motor assembly to the adapter body. With that being said, Veyrat discloses that the motor drive assembly can be separated from the adapter body 40 (via bolts 42), while the adapter body 40 remains detachably mounted to the pump assembly, and with the motor drive assembly removed the base remains attached to the adapter body and the pump assembly. However, Veyrat does not teach the following claim limitations taught by Martin.

Martin teaches a gear pump comprising a motor drive assembly 21, a final output element 22, a pump assembly (see 11 and 13) with an input shaft 31 mateable with the final output element 22. Martin further teaches an adapter body (see can that surrounds the shaft coupling in combination with 16) as well as a base (see base under element 14 in Fig. 1) rigidly coupled to the adapter body and to the pump assembly 11, 13 that

supports the apparatus by being connected to the pump assembly and the adapter body only (via 14), wherein the base is detachable from at least one of the pump assembly and the adapter body to permit the adapter body to be detached from the pump assembly, wherein the input shaft 31 and the output element 22 are engaged with each other when the drive assembly, pump and adapter body are all connected, and are disengaged from each other when the drive assembly is detached from the adapter body.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the motor pump apparatus of Veyrat by connecting the base to the pump assembly and adapter body only in order to decrease the vibrations of the base by having the motor suspended (see motor in Fig. 1).

4. Claims 31 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veyrat 4,797,071 in view of Martin 4,127,365, and in further view of Klauck 4,695,232.

Veyrat in view of Martin discloses the invention as discussed above. However, Veyrat in view of Martin does not teach the following claimed limitations taught by Klauck.

Klauck teaches a motor pump assembly comprising a motor drive assembly (element 4 and left half of body 3, split by wall 19), a final output element 10, a pump assembly 5 with an input shaft 12 mateable with the final output element 10 (via 11). Klauck further teaches that the adapter body (see right side of body 3) has a central bore therethrough (particularly portion surrounded by wall 20), and wherein the input

shaft 12 of the pump assembly 5 extends completely through the adapter body without any bearing support from the adapter body.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the motor pump apparatus of Veyrat in view of Martin by having the input shaft of the pump assembly extend through the adapter body in order to easily align it with the output element of the motor drive assembly (Klauck, Fig. 1).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 28-35 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

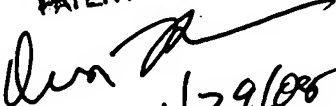
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Parise 3,576,379 comprises a gear drive assembly coupled to a pump assembly.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J. Bertheaud whose telephone number is (571) 272-3476. The examiner can normally be reached on M-F 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
PJB

**DEVON C. KRAMER**  
**PATENT EXAMINER**  
  
1/29/08